

lines 36-37; no new matter has been added by this amendment. Reconsideration is respectfully requested. Claims 1-3, 7-10, 14, 15, 19-24, 30-36, and 38 are currently pending in this application. The species insulin (whether administered orally or injected) has been elected with traverse.

*I. Rejection Under 35 U.S.C. § 112, Second Paragraph*

Claim 7 has been rejected as allegedly indefinite under 35 U.S.C. § 112, second paragraph. Specifically, claim 7 is allegedly unclear due to the use of the word "including." The wording of this claim has been amended to address the alleged indefiniteness. Accordingly, withdrawal of the § 112 rejection is respectfully requested.

*II. Rejection Under 35 U.S.C. § 103*

Claims 1-3, 7-10, 14, 15, 19-24, 28, 30-36, and 38 have been rejected as allegedly obvious over Weinstock *et al.* (*Pharmacology* 54(4):169-178, 1997). Applicant has attached a copy of List of Contents page for volume 54(4) of *Pharmacology* as Exhibit A.

Only those references with effective dates prior to the date of invention are available to be cited as prior art against a patent application. The date of invention is presumed to be at least as early as the date of the filing of a fully enabled patent application drawn to that invention, which in this case is February 24, 1997.

The actual publication date of the Weinstock reference is **April 1997** (see the upper right hand corner of Exhibit A). Thus, the Weinstock *et al.* publication date is after the **February 24, 1997**, filing date of the present invention. The Weinstock reference is not available as prior art against the instant invention, and thus cannot render the pending claims obvious. Reconsideration and withdrawal of the rejection is respectfully requested.

**CONCLUSION**

For the reasons set forth above, all claims currently under consideration are in condition for allowance. If for any reason the Examiner believes that a telephone



conference would expedite allowance of the claims, please telephone the undersigned at (503) 226-7391.

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL  
LEIGH & WHINSTON, LLP

By 

Tanya M. Harding, Ph.D.  
Registration No. 42,630

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
Facsimile (503) 228-9446

54 | 4 | 97

April 1997

ISSN 0031-7012

PHMGBN / 54(4) 169-224 (1997)

International Journal of Experimental and Clinical Pharmacology

# Pharmacology

## Original Papers

- 169 Pioglitazone: In vitro Effects on Rat Hepatoma Cells and in vivo Liver Hypertrophy in KKA<sup>y</sup> Mice**  
Weinstock, R.S. (Syracuse, N.Y.); Murray, F.T.; Diani, A. (Kalamazoo, Mich.); Sangani, G.A. (Syracuse, N.Y.); Wachowski, M.B. (Kalamazoo, Mich.); Messina, J.L. (Syracuse, N.Y.)
- 179 Dose-Response Studies of Interferon- $\alpha_{2b}$  on Liver Fibrosis and Cholestasis Induced by Biliary Obstruction in Rats**  
Muriel, P.; Castro, V. (México)
- 186 Serotonergic Receptors Modify the Voluntary Intake of Alcohol and Morphine But Not of Cocaine and Nicotine by Rats**  
Mosner, A.; Kuhlman, G.; Roehm, C.; Vogel, W.H. (Philadelphia, Pa.)
- 193 Cinitapride Protects against Ethanol-Induced Gastric Mucosal Injury in Rats: Role of 5-Hydroxytryptamine, Prostaglandins and Sulfhydryl Compounds**  
Alarcón-de-la-Lastra Romero, C.; López, A.; Martín, M.J.; la Casa, C.; Motilva, V. (Sevilla)
- 203 Protective Effect of Acetaminophen against Acute Gastric Mucosal Lesions Induced by Ischemia-Reperfusion in the Rat**  
Nakamoto, K.; Kamisaki, Y.; Wada, K.; Kawasaki, H.; Itoh, T. (Yonago)
- 211 Vanidilol: A Vanilloid-Type Vasorelaxant and Ocular Hypotensive Beta-Adrenoceptor Blocker with Partial Beta-2-Agonist Activity**  
Sheu, M.-M.; Wu, B.-N.; Ho, W.-C.; Hong, S.-J.; Chen, S.-J.; Lin, Y.-T.; Chen, I.-J. (Kaohsiung)

EXHIBIT

RECEIVED

KARGER



S. Karger, Winner of the  
Charlesworth Award  
for Typographical Excellence  
in Journal Publishing 1997

The list of contents is available at:  
<http://www.karger.ch/journals/pha/phacont.htm>

JUN 15 1997

HEALTH SCIENCES UNIVERSITY

8000

0031-7012(199704)54:4:1-P

0031-7012(199704)54:4:1-P